

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ERIC J. D'ERCOLE,)	8:14CV291
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
HARRAHS HOTEL RESORT,)	
DOUG SEXTON, DCI IRGC,)	
BRIAN EYBERG, OMAHA)	
POLICE DEPARTMENT,)	
DOUGLAS COUNTY)	
CORRECTIONS DEPARTMENT,)	
and LAURA PETERSEN,)	
)	
Defendants.)	

This matter is before the court on its own motion. Plaintiff Eric D'Ercole filed a Complaint (Filing No. [1](#)) on September 25, 2014, against Harrah's Hotel in Council Bluffs, Iowa, the Omaha Police Department, the Douglas County Corrections Department, and three individuals mentioned only in the caption of the Complaint (Doug Sexton, Brian Eyberg, and Laura Petersen). Plaintiff alleged in the Complaint that he contracted food poisoning after eating undercooked chicken at Harrah's Hotel. After he complained to the hotel, he "was persecuted as a criminal on court docket proceedings" and sodomized by a female police officer named Janig. (Filing No. [1](#) at CM/ECF p. 3.) For relief, he asked for the court to "quash all charges against [him]" because they are predicated upon a "false arrest." He also asked the court to award him monetary damages. (*Id.* at CM/ECF p. 5.)

The court conducted a pre-service screening of the Complaint on December 15, 2014. The court determined the Complaint failed to state a claim upon which relief could be granted against any of the named defendants. (Filing No. [6](#) at CM/ECF p. 3.) The court ordered Plaintiff to file an amended complaint within 30 days. He did not do so.

Plaintiff filed an item of correspondence (Filing No. [7](#)) addressed to the clerk of the court on March 2, 2015, in which he complains jail officials in Iowa are denying him access to medical care. Even if the court were to construe this item of correspondence as an amended complaint, it was untimely filed, it is entirely unrelated to the allegations raised in the Complaint, and it offers only factually unsupported and conclusory allegations.

IT IS THEREFORE ORDERED that:

1. This action is dismissed without prejudice for the reasons set forth in this order and the order dated December 15, 2014.
2. A separate judgment will be entered in accordance with this order.

DATED this 20th day of April, 2015.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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